

JACKSON LEWIS LLP
ATTORNEYS FOR DEFENDANTS
666 Third Avenue
New York, New York 10017-4030

ATTORNEYS OF RECORD:
WILLIAM J. ANTHONY (WA 2468)
JOANNA S. SMITH (JS 6471)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
NICK ORAM, on behalf of himself and on
behalf of all other similarly situated persons,

Plaintiff,

-against-

SOULCYCLE LLC, SOULCYCLE
HOLDINGS LLC, SOULCYCLE 384
LAFAYETTE STREET, LLC,
SOULCYCLE 350 AMSTERDAM, LLC,
SOULCYCLE 609 GREENWICH STREET,
LLC, SOULCYCLE BRIDGEHAMPTON,
LLC, SOULCYCLE EAST 18TH STREET,
LLC, SOULCYCLE EAST 63RD STREET,
LLC, SOULCYCLE EAST HAMPTON,
LLC, SOULCYCLE ROSLYN LLC,
SOULCYCLE SCARSDALE LLC,
SOULCYCLE TRIBECA, LLC,
SOULCYCLE WEST 19TH STREET, LLC,
SOULCYCLE BRENTWOOD, LLC,
SOULCYCLE SANTA MONICA, LLC, and
SOULCYCLE WEST HOLLYWOOD, LLC,

Defendants.

Civ. No.: 13 CV 2976 (RWS)

**NOTICE OF DEFENDANTS' MOTION
TO STRIKE PORTIONS OF
PLAINTIFF'S AMENDED COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(F),
TO SEVER PLAINTIFF'S CALIFORNIA
CLAIMS AND PARTIES PURSUANT
TO FED. R. CIV. P. 21 AND TO DISMISS
PLAINTIFF'S AMENDED COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(b)(6)**

-----X
To: Douglas Wigdor, Esq.
David E. Gottlieb, Esq.
THOMPSON WIGDOR LLP
Attorneys for Plaintiff
85 Fifth Avenue
New York, New York 10003

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Declaration of William J. Anthony, Esq., with attached exhibits, and Affidavit of Kevin Morris, with attached exhibits, the undersigned will move this Court before the Honorable Robert W. Sweet, U.S.D.J. at the United States District Court for the Southern District of New York, Daniel Patrick Moynihan Courthouse, located at 500 Pearl Street, New York, New York 10007-1312, on the 25th day of September, 2013 at 12:00 PM, for an Order (1) to strike portions of Plaintiff's Amended Complaint pursuant to Fed. R. Civ. P. 12(f); (2) severing and dismissing Plaintiff's California Claims and the California Parties; (3) dismissing Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6); and (4) for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

JACKSON LEWIS LLP
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Dated: July 31, 2013
New York, New York

By: /S/ William J. Anthony
William J. Anthony (WA 2468)
Joanna S. Smith (JS 6471)

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of July 2013, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and/or the Southern District's Rules on Electronic Service upon the following parties and participants:

Douglas Wigdor, Esq.
David E. Gottlieb, Esq.
THOMPSON WIGDOR LLP
ATTORNEYS FOR PLAINTIFF
85 Fifth Avenue
New York, New York 10003

S/ Joanna S. Smith
Joanna S. Smith, Esq.